

REMARKS

This is in response to the Office Action mailed on June 7, 2004, and the references cited therewith.

No claims are amended, canceled, or added; as a result, claims 1-60 remain pending in this application. FIG. 1 is amended.

Drawings

The Office Action provided that Figures 1 and 2 should be designated as --Prior Art -- because only that which is old is illustrated. Applicant has amended FIG. 1 to include the prior art designation as requested. However, Applicant respectfully traverses the assertion that no inventive subject matter is illustrated in FIG. 2. The Examiner's attention is drawn to reference numbers 280 and 284 and the accompanying description at page 10 of the application. At least these portions of FIG. 2 include inventive subject matter.

Thus, Applicant respectfully requests acceptance of amended FIG. 1 and withdrawal of the objections to FIG. 1 and FIG. 2.

Priority Claim

The Office Action denied Applicant's claim for domestic priority under 35 U.S.C. 119(e) stating that the Provisional Application 60/189,863 upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for claims 1-60 of this application. The Office Action further provided that the Provisional Application has a large Appendix (1,100 pages) made up mostly of documents dated well before the applicant's filing date and does not support patentability.

Applicant respectfully traverses these assertions. Applicant respectfully submits that the documents included in the Appendix are not "mostly prior art" and the Provisional Application does support patentability.

With regard to the documents being prior art. Applicant, in the background section of the Provisional Application, did admit that Appendices L, M, and N are prior art. However, there are no such admissions with regard to the Appendices A-K.

Specifically the Office Action refers to documents A-K being dated well before the Applicant's filing date. However, the examiner has not established that these dates are effective priority dates under any of the subsections of 35 U.S.C. § 102. Further, Applicant is not aware of the source of the asserted 1/7/1999 date of Appendix J. Additionally, the March 14, 2000 date within Appendix K is not a date capable of being asserted under any of the subsections of 35 U.S.C. § 102. Applicant further submits that Appendices A-I are internal documents and are therefore also not prior art.

Applicant respectfully submits that claims 1-60 are adequately supported in the disclosure of the Provisional Patent Application 60/189,863.

For example, the elements of independent claims 1 and 31 are supported, among other places, as follows:

- a server-side application-programming interface (API), comprising a Task-registry file, wherein the Task-registry file comprises one or more Task groups;
 - In Appendix J at page P1, reference is made directly to a server side API in the last paragraph under the "Association in Rhino" heading.
 - Appendix K includes many API components.
 - The Task-Registry is specifically described within the "Class com.sgi.sysadm.ui.HostContext" portion of Appendix K beginning at page C64 and more particularly at page C69 in the context of getting the Task-registry file from a host.
 - Further disclosure of the Task-Registry is made beginning at page C80 within the "Class com.sgi.sysadm.ui.TaskRegistry" portion. This disclosure provides information with regard to the composition of the Task-registry.
- a client-side API, comprising a product-specific properties file, wherein the product-specific properties file is customizable by a developer and the client-side API is callable by developer-supplied code to create a graphical user interface for a specific product.
 - In Appendix J at page P1, reference is made directly to a client side API in the last paragraph under the "Association in Rhino" heading.

- In Appendix J at page P12, the product specific properties file is described under the heading “The Task Manager Properties File.” The name of the file as described is TaskManagerP.properties.
- In Appendix J beginning at page P1 under the heading “How to Customize the Task Manager,” disclosure is made with regards to customization in view of the product-specific properties file as claimed.
- In Appendix K beginning at page C25 under the heading “Class com.sgi.sysadm.manager.TaskManager” disclosure is made with regard to specific API components related to the TaskManagerP.properties file, its customization, and its use in creating a graphical user interface for a specific product.

The Examiner stated that the claims of the provisional application are for an API not the toolkit presently claimed in this application. Applicant submits that the API claimed in the provisional application is part of the toolkit claimed in this patent application. Applicant refers to the “Summary of the Invention” section of the present application which describes a toolkit as follows:

“The present invention provides a toolkit for developing user-interfaces for a system administration program. The toolkit has a server-side application-programming interface (API). The server-side has task-registry files that each describe a task group. The toolkit also has a client-side API. A developer can customize product-specific properties files for a specific product and write code that calls the server-side and client-side APIs to create a graphical user interface for the specific product.”

Page 3, line 23 – page 4, line 4. Thus, the toolkit as claimed, in view of the description in the application, provides a toolkit having both a server-side API and a client-side API as described and enabled in Appendices J and K as cited above. Thus, Applicant respectfully submits that the toolkit as claimed was enabled in the Provisional Patent Application 60/189,863.

Thus, in view of the above citations to the Provisional Patent Application 60/189,863, Applicant respectfully requests reconsideration and grant of the priority claim to the Provisional Patent Application 60/189,863.

Requirement for Information (Rule 105) – 37 USC § 1.105

Applicant, Assignee, and Applicant's Representative if in possession of material meeting the scope of the RFI are required under 37 CFR § 1.105 to provide the following that the Examiner has determined is reasonably necessary to the examination of this application. The Office Action has request information relating to the "date of first on sale" or "date of first use" and an accurate disclosure of the library at the time of first use.

It has not been possible to track down the information requested by the Examiner. It is our understanding, however, that the date of first use and the date of first sale of the claimed invention was less than one year before the filing of the provisional patent application.

Inventorship

The Examiner raised a question regarding inventorship.

The Examiner in a facsimile received by Applicant's representative on June 30, 2004 provides that this section of the Office Action is not to be responded to and this section is moot in view of the mapping operation provided above with regard to the priority claim.

§103 Rejection of the Claims

Claims 1-60 were rejected under 35 USC § 103(a) as being unpatentable over "Network Associates Delivers Magic Total Services Desk – First 100 Percent Browser-Based Support Application to Offer Drag-and-Drop Customization", March 29, 1999 PR Newswire (referred to herein as "MAGIC") in view of Template Software's product line (i.e., the references referred to in the Office Action and herein as "COM", "WFT", and "USING").

The COM, WFT, and USING references describe workflow systems that provide computer-based support for business processes including systems that have client and servers. WFT at 2-2. The MAGIC reference describes a thin-client IT support application. MAGIC at pages 1-2 and 5. The motivation to combine the references provided in the Office Action recites, "[I]t would have been obvious to one of ordinary skill in the art to combine MAGIC with AFT at the time of invention to provide for a customizable user interface for network management because it 'enables organizations to centralize around a common IT Support management application.'"

Applicant respectfully traverses the § 103(a) rejection of claims 1-60. Applicant respectfully submits that there is no motivation to combine the references. In fact, the MAGIC reference teaches away from the combination. In addition, the combination fails to teach or suggest all of the claimed elements.

For example, both independent claims 1 and 31 include “a client-side API, comprising a product-specific properties file. . . .” In contrast, the MAGIC reference describes a thin client solution. The MAGIC reference on page 2 recites:

“Instead of a Web front-end glued to a client/server architecture, it is built from the ground up to take advantage of thin client computing.”

The MAGIC reference on page 5 (the last page) further recites:

“Unlike competitive ‘fat-client’ products that reside on users’ desktops and are limited by individual processor power and bandwidth, the Magic TSD software is server based and is accessed by designated ‘thin-clients’ through a Web browser. Using Active Server Pages (ASP) and Microsoft Transaction Server (MTS), all processing is done on the application server, which unlike traditional IT configurations, can be load balanced over multiple servers for optimal performance and scalability.”

The MAGIC reference is therefore directed to a thin-client solution having all processing performed on the application server and not “a client-side API, comprising a product-specific properties file”. In fact, the MAGIC reference would lead a person of ordinary skill in the art in a divergent direction from having a client-side API, or ‘fat-client’ as claimed in both independent claims 1 and 31. Thus, there is no motivation to combine the references because the MAGIC reference teaches away from the proposed combination.

Further, even if the references are combined, the combination of references fails to teach or suggest all of the elements of independent claims 1 and 31. For example, the Office Action points to the Task Editor Toolbox in USING at page 6-8 as a teaching of a task-registry file. However, the Task Editor Toolbox appears to be, and is described as, a graphical user interface component and not a task-registry file as claimed. Further, the task-registry file is not shown as part of a server-side application programming interface (API) as claimed. Also, the Office Action points to the workflow server in WFT at page 2-9 as teaching a server-side API and to

nodes on server to interface in WFT at page 2-6. However, these illustrations fail to show a specific server-side API and a specific client-side API as claimed. Further, the COM reference fails to cure these deficiencies.

Thus, because the MAGIC reference teaches away from the proposed combination of references and because the WFT, USING, and COM references fail to teach all of the claimed elements, independent claims 1 and 31 are patentable.

Claims 2-30 and 32-60 depend, directly or indirectly, on independent claims 1 and 31 and are patentable over MAGIC, COM, WFT, and USING references for the reasons argued above, plus the elements in the claims. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. MPEP § 2143.03.

Applicant therefore respectfully request reconsideration and withdrawal of the § 103(a) rejections of claims 1-60.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6909 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date December 7, 2004

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 7th day of December, 2004.

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Signature